

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES )

v. )

CHO, JING )

Case No. 03-CR-10401-RWZ

**JOINT MOTION TO CONTINUE SENTENCING DATE**

The parties hereby jointly move: (1) to continue the date of the sentencing of defendant Jing Cho from Wednesday, August 4, 2004 to any day during the week of October 11 or 18, 2004 or a date thereafter convenient to the Court. As grounds therefore, the parties state as follows:

1. The defendant pleaded guilty to a one count Information in this case pursuant to a plea agreement that affords him the opportunity to cooperate with the government.
2. Defendant's cooperation in this case might include testimony at the trial or sentencing of Kam Wai Chui, who was charged in a separate Indictment currently pending in this district United States v. Kam Wai Chu, Cr. No. 03-CR-10396-NG.
3. Mr. Chui's sentencing is scheduled for September 23, 2004. It is unknown whether Mr. Chui contests certain conduct which may affect his sentence, in which case the government might be required to offer substantial evidence at his sentencing, including the testimony of Mr. Cho.

4. The U.S. Attorney's Office will not be in a position to evaluate whether and to what extent to recommend a downward departure pursuant to U.S.S.G. § 5K1.1 until the defendant has testified.

6. Accordingly, the parties respectfully request that the Court continue the sentencing in this case until the week of October or a date thereafter convenient to the Court so that the government will be in a position to evaluate Defendant's cooperation prior to his sentencing.

Respectfully submitted  
MICHAEL L SULLIVAN  
United States Attorney

By: Jonathan F. Mitchell (KS)  
JONATHAN F. MITCHELL  
Assistant U.S. Attorney

DATED: July 22, 2004

Raymond Sayeg  
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**CERTIFICATE OF SERVICE**

I, Raymond Sayeg, do hereby certify that on this 22 day of July, 2004 a true copy of the foregoing Joint Motion to Continue Sentencing Date was served by first class mail, postage prepaid upon counsel for the government, Jonathon F. Mitchell, United States Attorney's Office, One Courthouse Way, Suite 9200, Boston, MA 02210, as well as United States Probation Officer, Jesse Gomes.

Raymond Sayeg  
Raymond Sayeg